

ENDORSEMENT

Mark B. Price v. Cushman & Wakefield, Inc., et al.
08 Civ. 8900 (RJH) (HBP)

The schedule set forth in the annexed letter dated June 4, 2010 is approved. No later than June 18, 2010, counsel are directed to submit a single joint letter setting forth their respective positions concerning the need to redepose defendants' expert. The continued deposition of plaintiff shall be limited to the information recently provided by Dr. Gallina and Ann Lieberman. Plaintiff's continued deposition is not an opportunity to fill gaps unrelated to the information provided by Gallina and Lieberman. If a concrete dispute arises concerning the limits during plaintiff's continued deposition, counsel may call my chambers for a ruling.

Dated: New York, New York
June 11, 2010

SO ORDERED

Henry Pitman
HENRY PITMAN
United States Magistrate Judge

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BY FACSIMILE

Honorable Henry Pitman
United States Courthouse
Southern District of New York
500 Pearl Street
New York, NY 10170

Re: *Mark B. Price v. Cushman & Wakefield, Inc. and Joanne Podell*
Civil Action No.: 08 CIV 8900 (RJH)

Dear Judge Pitman:

This firm is counsel to Defendants in this action. Defendants have conferred with Plaintiff about additional discovery requests related to the medical records recently disclosed by Plaintiff. The parties now jointly submit this proposed schedule.

- 1) The parties propose that fact discovery be reopened for two months and expert discovery stayed until its completion.
- 2) Defendants shall take the depositions of Dr. Gallina, Ann Lieberman and Plaintiff.
- 3) Plaintiff's further deposition will be limited to three additional hours.
- 4) Expert discovery shall resume once fact discovery is completed.

The parties have been able to reach agreement on this overall schedule, except with respect to any further deposition of Defendants' expert and the scope of Plaintiff's further deposition. First, Plaintiff seeks to redepose Defendants' expert, if he supplements his report. Defendants oppose any further deposition of their expert. Second, Plaintiff seeks to limit the scope of Plaintiff's continued deposition to information related to the medical records disclosed by the medical providers, Dr. Gallina and Ann Lieberman. Defendants believe the scope should include, but not be limited to, any and all information related to these medical providers, the Plaintiff's treatment, matters relating to the disclosures and such other areas that develop during the inquiry of these areas.

Defendants also wish to apprise the Court of the June 21 cutoff date for dispositive motions ordered by Judge Holwell in the parties' Scheduling Order. Defendants proposed that the parties submit an application to Judge Holwell to adjourn this deadline. We could not reach agreement on the submission of a joint application to adjourn the deadline.

Sincerely,

Henry A. O'Ceil
Sheryll A. O'Ceil

cc: Mark H. Moore, Esq. (via facsimile)